

REMARKS

Entry of the foregoing, reexamination and further and favorable reconsideration of the subject application in light of the following remarks, pursuant to and consistent with 37 C.F.R. §1.112, are respectfully requested.

The Office Action Summary correctly indicates that claims 1-10 and 32 are pending in the application. Claims 1-10 have been indicated as allowable. Claim 32 stands rejected.

The Amendment set forth above is to update the status of the priority information of previously pending U.S. Patent application which has issued as a patent. No prohibited new matter has been introduced by way of the above amendment.

The Applicants also thank Examiner Siew for his time during the interview with Attorney Spadafora on June 3, 2004.

THE 35 U.S.C. §112, FIRST PARAGRAPH REJECTION

The Examiner has rejected claim 32 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner states, "...review of the specification does not provide support as to what the conditions would satisfy highly stringency."

Applicants respectfully disagree. The Specification contains support for Claims 32. For example, hybridization conditions can be found on page 21, lines 20-25. In addition, conditions of high stringency are well known in the art.

Thus, Applicants assert the present disclosure coupled with known conditions of stringency, would have conveyed to one of ordinary skill in the art that the inventors had possession of the claimed invention. Accordingly, Applicants request reconsideration and withdrawal of the present rejection.

THE 35 U.S.C. §112, SECOND PARAGRAPH REJECTION

The Examiner has rejected claim 32 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter. The Examiner further states:

"The term "highly stringent" is indefinite because it is unclear as to what conditions would meet the limitation."

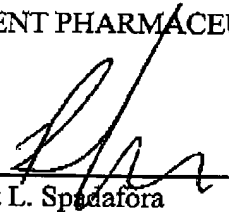
The rejection is respectfully traversed. As stated above, the Specification clearly describes the stringency conditions including the salt and temperature conditions on page 21, lines 20-25. Thus, the metes and bounds of claim 32 are clearly defined and therefore, Claim 32 satisfies the requirements of 35 U.S.C. § 112, second paragraph. Withdrawal of the rejection of this claim is respectfully requested.

CONCLUSION

In view of the above remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a subsequent telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned at (781) 398-2300.

Respectfully submitted,

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